

REMARKS

Claims 1-10 remain pending in the application.

Claims 1, 3, 5, and 7 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for their inclusion of “such as” language. Claim 7 was further rejected under this statute for using the term “includes.”

Applicants have amended all of the rejected claims to remove the “such as” language, and submit that the rejection on that ground is now moot. In claim 7, “includes” has been replaced by “comprises”; applicants do not consider that the meaning of the original language has been changed in any manner, but the use of more conventional terminology is believed to have overcome the rejection. Withdrawal of these rejections is now appropriate.

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of teachings in two published applications of Finkelstein et al.: US 2004/0235904 A1 and US 2004/0177804 A1, called, respectively, “Finkelstein et al. I” and “Finkelstein et al. II.” These publications were asserted to “teach the instant process,” particular attention being drawn to Finkelstein et al. I at page 3, section [0027] and Finkelstein et al. II at page 10, sections [0208]-[0210].

Applicants point out that their perfected priority date of September 2, 2002 for this invention is earlier than any date recited on the cover pages of the Finkelstein et al. publications, so there does not seem to be any applicable provision of 35 U.S.C. § 102 that would qualify these documents as prior art. Accordingly, the rejection using these publications should not be maintained, upon reconsideration.

To complete the record of the application, applicants are attaching a copy of the article by B. Kohl et al., “(H⁺,K⁺)-ATPase Inhibiting 2-[(2-Pyridylmethyl)sulfinyl]benzimidazoles. 4. A Novel Series of Dimethoxypyridyl-Substituted Inhibitors with Enhanced Selectivity. The Selection of Pantoprazole as a Clinical Candidate,” *Journal of Medicinal*

Chemistry, Vol. 35, pages 1049-1057 (1992). This article is mentioned in the application for its showing of a preparation of pantoprazole sodium sesquihydrate, that preparation procedure appearing in the paragraph bridging pages 1054 and 1055.

As all pending claims of this application appear to be allowable, an early notice of their allowance is respectfully requested. However, if any minor matters remain to be resolved for disposition of the application, please contact the undersigned attorney to arrange for a personal or telephonic interview.

Respectfully submitted,



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